

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

ROBERT MAYFIELD, *et al.*,

Plaintiffs,

v.

U.S. DEPARTMENT OF LABOR, *et al.*,

Defendants.

Case No. 1:22-CV-00792-RP

DEFENDANTS' NOTICE

Defendants hereby notify the Court that Defendant U.S. Department of Labor has submitted for publication in the Federal Register a notice of proposed rulemaking (NPRM) regarding the executive, administrative, and professional exemption to the Fair Labor Standards Act. In advance of the NPRM being published, the Department of Labor has posted on its website a copy of the NPRM that was submitted to the Office of the Federal Register. *See* <https://www.dol.gov/sites/dolgov/files/WHD/flsa/eap-exemption-nprm.pdf>.

The NPRM provides for a sixty-day public comment period, effective from the date of publication in the Federal Register, after which the Department of Labor plans to review and carefully consider all properly submitted comments prior to issuing any final rule arising out of this rulemaking. The Department of Labor's 2019 Rule regarding the executive, administrative, and professional exemption, which Plaintiffs challenge in this case, remains operative. Defendants will update the Court if the Department of Labor publishes a final rule while this case is pending.

Dated: August 30, 2023

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

JULIE STRAUS HARRIS
Assistant Branch Director

/s/ Brian Rosen-Shaud
BRIAN C. ROSEN-SHAUD
Trial Attorney
U.S. Department of Justice
Civil Division, Federal Programs Branch
1100 L. Street, NW
Washington D.C. 20005
(202) 305-7667
brian.c.rosen-shaud@usdoj.gov